



# Charting a Path of Less Crime, Less Cost & More Economic Opportunity



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Roundtable/TPPF  
Conference  
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# Introduction

- **TPPF Mission: Liberty, Personal Responsibility, Free Enterprise**
- **We apply these foundational principles to criminal justice, bringing together stakeholders and working with allies across the political spectrum.**



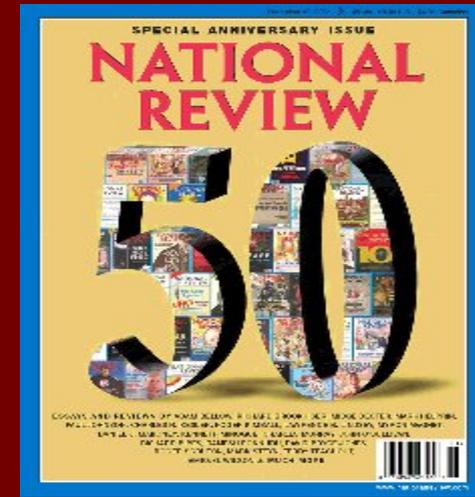
**Conservatives  
Latch on to Prison  
Reform**

**January 28, 2011**



**Right on Crime Noted  
in “Budget Crunch  
Forces New Approach  
to Prisons”**

**February 15, 2011**



***National Review*  
Praises Right on  
Crime**

**February 21, 2011**

# Conservative Leaders Weigh In

- **Jeb Bush, Speaker Newt Gingrich, Drug Czar Bill Bennett, A.G. Ed Meese, Grover Norquist, and Other Conservative Leaders Endorse Right on Crime Statement of Principles**
- **Statement Supports Cost-Effective Alternatives for Nonviolent Offenders, Emphasis on Restitution and Treatment, and Performance Measures and Incentives to Move from a System That Grows When it Fails to One That Rewards Results**



Grover Norquist,  
President, *Americans for  
Tax Reform*

# **Momentum is Building on the Right for Criminal Justice Reform**

**Governors Who Have Pushed or Presided Over Reforms Include:**

- **Bobby Jindal (LA)**
- **Tom Corbett (PA)**
- **Mitch Daniels (IN)**
- **John Kasich (OH)**
- **Dennis Daugaard (SD)**
- **Nathan Deal (GA)**
- **Chris Christie (NJ)**
- **Rick Perry (TX)**

# Leadership of Governors

- LA.: Gov. Jindal: “hammer away at dubious distinction of highest incarceration rate in the world” with day reporting, jail reentry, & work release
- TX.: Gov. Perry: “rehabilitate nonviolent offenders, spend less locking them up again”
- Govs. Kasich, Deal & Corbett achieve reforms in 2011 and 2012



*Gov. Bobby Jindal*

# TPPF Recruits Texas' Leading Business Group to Join Effort

**"We think too many people are being sent to the slammer....Prisoners cost us money. Probationers stay in the workforce. And then those ex-cons can't get an occupational license or a job because of a mistake they made 20 years ago. We think this whole system is not working well anymore for Texas." – Bill Hammond, TAB President**



**T E X A S**  
ASSOCIATION OF  
**BUSINESS**

**Is it always necessary to increase incarceration in order to reduce crime?**



# Incarceration & Crime

State	Incarceration Rate Change 2000-2007	Crime Rate Change 2000-2007
California	0%	-16%
Florida	+16%	-11%
New York	-16%	-25%
Texas	-8%	-6%

- **Violent crime in New York City down 64% from 2000 to 2007 while 42% fewer inmates**

# Texas Trend: Lower Incarceration *and* Crime Rates

Year	FBI Index Crime Rate	Incarceration Rate Per 100k
2005	4,857.1	681
2010-11	3,880.8	620
Percent Change	-20.1%	-9.0%

- Texas' crime rate has reached its lowest level since 1968.

*Sources: Bureau of Justice Statistics and  
Texas Law Enforcement Agency Uniform Crime Reports*

# Texas Probation Reform Proves the Right Incentives Work

- In 2005, additional \$55 million for stronger probation supervision to departments that adopted graduated sanctions.
- Participating probation departments reduced their technical revocations by 16% while those that didn't increased technical revocations 8%.
- Had all departments increased their revocations by 8%, another 2,640 revocations at a cost to taxpayers of \$119 million, excluding prison construction.
- Texas probation revocation rate declined from 16.4% in 2005 to 14.7% in 2010.

# **Budgetary Reforms in 2005 & 2007 Avoided 17,000 New TX Prison Beds**

- **Capacity in diversion and in-prison treatment programs expanded and then maintained in 2009 & 2011 budget-cutting sessions.**
- **Fewer offenders sentenced and revoked to prison as greater availability and confidence in alternatives.**
- **Parole rate increased: with more inmates receiving treatment, more found safe to be released with supervision.**

# **Bolstering Texas Parole Supervision: Less Crime, Less Total Spending**

- **From 2007 to 2010, 1,306 fewer parolees allegedly committed an offense and 825 fewer were revoked for rule violations, saving \$30.1 million.**
- **Parole supervision has added instant drug testing, more substance abuse treatment, more job placement resources, enhanced use of graduated sanctions; restored parole chaplains, and increased officers' emphasis on helping parolees succeed instead of "trail'em, nail'em, and jail'em."**

# Finding the Right Intersection: How Criminal Justice Reforms Appeal to Core Values



# 1) Prioritizing Public Safety

- Research has shown alternatives for nonviolent offenders such as problem-solving courts, stronger probation using evidence-based practices, electronic monitoring, and treatment-based interventions for mentally ill offenders can produce better public safety outcomes than a revolving door of incarceration.

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## 2) Controlling Spending

- Locking up adults costs about \$30,000 per year.
- Locking up juveniles costs from \$130,000 per year in Texas state facilities to \$226,000 per year in N.Y.C. juvenile detention.
- If a first-time delinquent goes on to a life of crime, societal cost is \$2 to \$3 million.
- Address fiscal disincentive to use alternatives if counties bear much of that cost.

### **3) The Restitution Principle and Giving Victims a Voice**

- Restitution is the core principle of criminal justice in the Bible and nearly every major religious tradition.
- Focus on the harm to a specific victim rather than notion of “repaying debt to society” by going to jail.

# The Victims' Perspective

## *Survey of Iowa Burglary Victims*

Sanction	Percent Requesting
Restitution	81.4%
Community Service	75.7%
Pay Fine	74.3%
Regular Probation	68.6%
Treatment/Rehabilitation	53.5%
Intensive Probation	43.7%
Short Jail Term	41.4%
Boot Camp	40.0%
Work Release Facility	34.3%
Prison Sentence Year or More	7.1%

## **4) Liberty & Limited Government**

- **Too many criminal laws and enhancements – 39 new crimes added by every TX legislature.**
- **TX passed law to stop 10 year-olds from getting a ticket for chewing gum, but hundreds of thousands ticketed for disrupting class.**
- **While youths are not being incarcerated for trivial offenses, they can be the critical first contact with the system.**

## 5) Accountability

- Must demand outcome-oriented performance measures such as recidivism, educational advancement, employment, and victim satisfaction.
- In education, a focus on "teacher quality" but not a single google result for "probation officer quality." Schools rated on metrics such as graduation rate and test scores, but no similar accountability for prisons.

## 6) Efficiency

- Use risk and needs assessments for data-driven decisionmaking. Most offenders are placed without any data on outcomes, which in medical profession would be malpractice.
- Better information sharing across criminal justice, education, and mental health systems can promote coordination in services.
- Police diversion

# 7) Centrality of the Family

- Unnecessary incarceration breaks up families, leads to millions in foster care expenses, billions in unpaid child support.
- Emphasize strategies that keep the family intact. For example, some mothers can be given treatment for an addiction that thereby improves the home environment.
- Truancy program in Fort Bend County, Texas sends school employee to help rather than issuing a citation to the parent.

# Legislative Solutions: Aligning Research & Policy



# **The Incentive Funding Model: Aligning Goals & Funding**

- **Localities receive incentive funding for fewer low-level commitments, fewer new crimes, and more restitution. Arizona measure led to 31% decline in new crimes and 28% drop in revocations.**
- **Funds could be used for assessments, treatment, stronger probation, electronic monitoring, prevention, problem-solving policing, and victim mediation and services.**

# Problem-Solving Courts

- Drug courts: 34% lower recidivism: should focus on high-risk offenders who would have gone to prison.
- Hawaii HOPE Court with regular testing, treatment as needed, and weekend jail in few cases of non-compliance: 2/3 less re-offending, costs a third of drug court.
- Mental health courts: *Amer. Journal of Psychiatry*: less total & violent re-offending

# Drug Sentencing Reform

- Under Texas' sentencing laws, a person convicted of one to four grams of drugs faces up to ten years in prison. There are 17,000 drug possession offenders in prison.
- Create presumption for proven alternatives to prison where offender lacks prior significant record and is not a danger to public safety.
- S.C., KY, OH, GA, and AR have reduced low-level drug possession penalties.



# The Earned Time Revolution

- States such as Georgia, Texas, and Ohio have recently adopted or expanded earned time for lower-level offenders on probation and/or behind bars.
- Studies of policies in New York, Wisconsin, and Washington find reduced recidivism as offenders have positive incentives to complete rehabilitative programs.



# Bolstering Reintegration

- Texas releases more than 30,000 inmates without supervision each year.
- Post-release supervision and support reduces recidivism by holding offenders accountable for not returning to old ways and helping them with reentry. Promotes continuity of care for mentally ill.
- Use some savings from less time served to expand post-release supervision



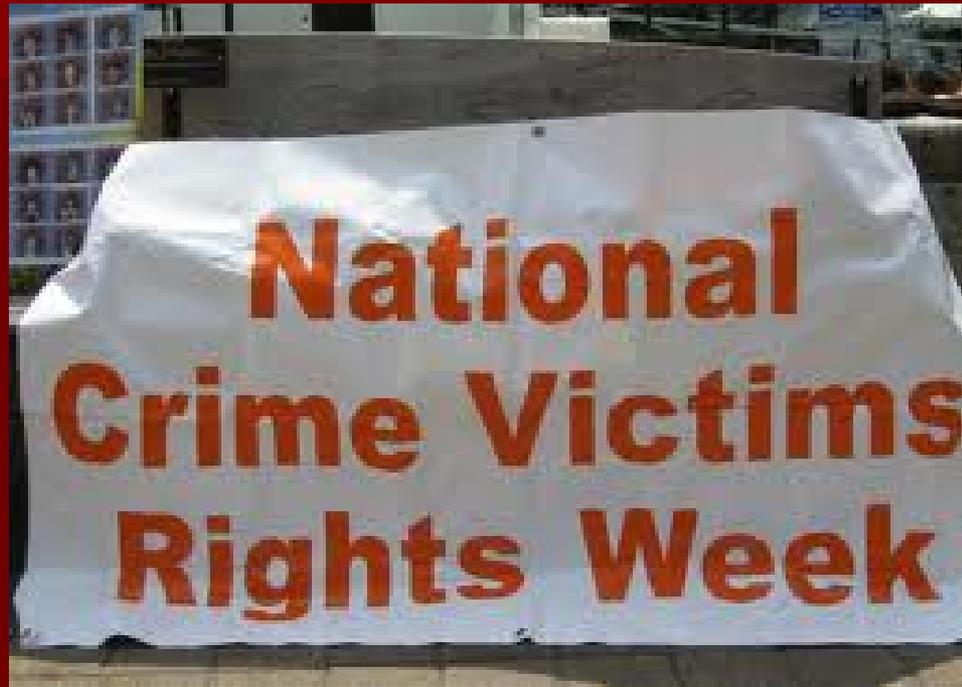
# Stop the Revolving Door

- Employed offenders on supervision are twice as likely to succeed.
- In-prison vocational training = 9% less re-offending.
- Grant occupational licenses when offense is unrelated to the job. In some states, drug possession disqualifies a prospective barber. 2009 TX. law allows many ex-offenders to obtain provisional licenses for most occupations.

# Remove Barriers to Reentry

- 1 in 4 adults have a criminal record
- Ensure discharged inmates have photo ID.
- Provide protection to employers hiring ex-offenders from negligent hiring lawsuits.
- Enable many ex-offenders after time of compliance to obtain non-disclosure of record.

# Prioritizing Victims



- **Nationally, restitution ordered in only 26% of property cases – a third collected.**

# Making Victims Whole

- Probationers pay \$391 million in restitution (at least 34 times more per offender than inmates) and do 135 million service hours.
- Victim mediation: 14 states with statutes. Must be chosen by victim & offender. Proven to increase victim satisfaction as a result of apology and completion of restitution in 89% of cases. Studies show reduced recidivism.

# **Overcriminalization: From Small Businesses to Little Kids**



**The Growth of Criminal Law and  
the Erosion of the Traditional  
Intent Requirement**

# Criminalizing Capitalism

- ▣ Many states have thousands of criminal laws, including some 1,700 statutory offenses in Texas, and 90% not in Penal Code.
- ▣ Texas has 11 felonies relating to harvesting oysters.
- ▣ Repeal unnecessary laws and establish default *mens rea* provision.



# Stop Passing the Paddle

- ▣ 60% of Texas elementary students suspended.
- ▣ Research shows that, adjusting for all other factors, suspension or referral to court increases long-term involvement in juvenile and adult corrections systems.
- ▣ Limit citations for minor misbehavior, adopt tiered discipline system, and hold schools accountable for excessive removals.

# Taking the Next Steps



# Why Criminal Justice Reform?

- Research/advocacy capacity is particularly vital to create impetus for reform given limited constituency compared with issues like education.
- Better chance of results given less polarization than issues like abortion.
- Accomplish more with less spending and fewer government barriers.

# How TPPF & Right on Crime Can Help

- Equip policymakers with research and solutions, build coalitions, and shape media/public discussion.
- Provide technical support in states and seed capacity at fellow free-market, state-based think tanks
- Leverage signatories of the Right on Crime Statement of Principles.

# Conclusion: Recent Successes Can Light the Way Towards Powerful Public Safety Solutions

